

HOUSE BILL 2135
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-50-311(a). Any person who is fifteen (15) years of age or older, who has successfully passed the standard written test and visual examination for applicants of a state automotive license, and who has the written approval of such person's parent or legal guardian may be issued a learner's permit by the department of safety. A learner's permit shall permit such person to operate an automobile whenever such person is accompanied by a parent, stepparent, grandparent, step-grandparent, guardian or certified driving instructor, who is at least twenty-one (21) years of age and is licensed to operate an automobile. The parent, stepparent, grandparent, step-grandparent or guardian of such a minor shall be fully responsible and liable for any property damage and personal injury which are the results of the actions of such minor while operating an automobile. A person with a learner's permit shall not operate a motor vehicle from 10:00 p.m. to 6:00 a.m.

(b) A person may be issued an intermediate level I driver license if such person is sixteen (16) years or older and has:

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(1) had a learner's permit for not less than one hundred eighty (180) days or has been licensed to drive in another state for at least ninety (90) days;

(2) not incurred a moving violation resulting in a conviction or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the one hundred eighty (180) day period immediately preceding application;

(3) not incurred a conviction or adjudication of a drug, alcohol, safety belt, or other driver-related safety related offense;

(4) presented certification by such person's parent, stepparent, grandparent, step-grandparent, guardian or a certified driving instructor that such person has accumulated not less than fifty (50) hours of behind-the-wheel experience of which not less than ten (10) hours shall be at night; and

(5) successfully demonstrated such person's ability to exercise ordinary and reasonable control in the operation of an automobile.

(c) The department of safety shall promulgate certificates to be completed by a parent, stepparent, grandparent, step-grandparent, guardian or certified driving instructor pursuant to subsection (b)(4). For the purposes of issuing an intermediate level I driver license the department of safety shall only accept certificates promulgated by the department for this purpose.

(d)(1) A person issued an intermediate level I driver license shall not operate a motor vehicle from 11:00 p.m. to 6:00 a.m. unless accompanied by a parent or legal guardian, a licensed driver over the age of twenty-one (21) designated by the parent or legal guardian, or except when going to or from employment. The parent or guardian of such a minor shall be fully responsible and liable for any property damage and personal injury which are the results of the actions of such minor while operating a motor vehicle.

(2) In addition to the provisions of subdivision (1), a person issued an intermediate level I driver license shall not operate a motor vehicle with more than one (1) passenger in such motor vehicle unless one (1) or more of the passengers are twenty-one (21) years or older.

(3) Upon conviction for a moving violation, a motor vehicle accident in which a person with an intermediate level I driver license is at fault, or a second safety belt violation pursuant to Section 3 of this act, the intermediate level I driver license shall be suspended and such driver shall be issued a learner's permit which shall be effective until the person completes one hundred eighty (180) days without a violation of this section. Such persons shall not be eligible for an intermediate level I driver license or an unrestricted license until the expiration of such one hundred eighty (180) day period.

(e)(1) An applicant who is seventeen (17) years or older may be issued an intermediate level II license if, in addition to meeting all of the other requirements of this chapter, the applicant has possessed an intermediate level I license for one hundred eighty (180) days prior to the issuance of an intermediate level II license, or satisfactorily completed a driver education course offered by a public school, public institution of higher learning, or a commercial driver training school, which operates under chapter 19 of this title, or has been licensed to drive in another state for at least ninety (90) days. The department shall not issue an intermediate level II driver license to an applicant who has failed to complete twelve (12) consecutive months without a moving violation, has been in an accident in which such person received a moving violation, or has received a license suspension. Except as provided in subdivision (2), a person issued an intermediate level II driver license shall retain such license until such person reaches the age of eighteen (18) and applies for and receives an unrestricted license. A person with an intermediate level II driver license shall not operate a motor vehicle from 12:00 midnight to 6:00 a.m., except when going to or from employment.

(2) Upon conviction for a moving violation, a motor vehicle accident in which a person with an intermediate level II driver license is at fault, or a second safety belt violation pursuant to

Section 3 of this act, the intermediate level II driver license shall be suspended and such driver shall be issued an intermediate level I license which shall be effective until the person completes one hundred eighty (180) days without a violation of this section. Such persons shall not be eligible for an intermediate level II driver license or an unrestricted license until the expiration of such one hundred eighty (180) day period.

(3) Upon a second conviction for a moving violation, a person shall complete a certified driver education course before such person is eligible to obtain a driver license.

(4) For the purpose of determining the date of a moving violation or a safety belt violation, the date of the conviction or the receipt of a plea of guilty shall be used.

SECTION 2. The department of safety shall send to the designated parent or guardian of a person with a learner's permit or intermediate driver license notification of any citation or arrest of such person for a moving violation, a motor vehicle accident, or a second safety belt violation pursuant to Section 3 of this act.

SECTION 3. Tennessee Code Annotated, Section 55-9-603, is amended by adding the following as a new subsection thereto:

() (1) Notwithstanding the provisions of subsection (b), no person with a learner's permit or an intermediate level driver license shall operate a passenger motor vehicle in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) Notwithstanding the provisions of subsection (f), a law enforcement officer shall not be required to stop a person with a learner's permit or intermediate driver license for a separate violation of law before issuing a citation or warrant for arrest for a violation of this section.

SECTION 4. The photo identification license issued to persons with a learner's permit or an intermediate level driver license shall be laminated and shall have a border or a background with distinctive colors as follows:

- (1) Learner's permit - red border or background;
- (2) Level 1 driver license - amber border or background; and
- (3) Level 2 driver license - green border or background.

SECTION 5. The commissioner shall determine the costs of designing, manufacturing and issuing driver licenses pursuant to this act and shall set the fees for the issuance of such driver licenses in such amount to ensure that the fiscal impact of the issuance of such licenses is minimal.

SECTION 6. The commissioner shall, upon receiving an accident report of an accident occurring in this state which has resulted in death, and upon determining there is a reasonable possibility of a judgment, adjudication or conviction against an operator who has a graduated driver license, revoke the license of the operator and shall issue to such operator a learner's permit. Such operator shall retain a learner's permit until the operator reaches the age of eighteen (18). Upon reaching the age of eighteen (18) a driver can apply for an unrestricted driver license.

SECTION 7. Tennessee Code Annotated, Section 55-50-312(a), is amended by deleting subdivision (3) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 55-50-312(a), is amended by deleting subdivision (3) in its entirety.

SECTION 9. Tennessee Code Annotated, Section 50-311, is amended by deleting such section in its entirety.

SECTION 10. Tennessee Code Annotated, Section 55-50-321(a), is amended by adding the language ", intermediate driver license," between the language "instruction permit" and the language "and photo identification".

SECTION 11. This act shall take effect January 1, 1999, the public welfare requiring it. Any person who has a learner's permit or a driver license upon the effective date of this act shall not be subject to the provisions of this act.

